

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: The Marriage of:
MARK BELLISSIMO,

FAMILY DIVISION: FL
CASE NO. 502018DR011853XXXXNB

Petitioner/Husband,

And

KATHERINE BELLISSIMO,

Respondent/Wife.

WIFE'S MOTION FOR AN ASSET INJUNCTION AND OTHER RELIEF

The respondent/wife, Katherine Bellissimo, by and through her undersigned counsel, hereby moves the Court to enter an asset injunction and for other relief and in support thereof states as follows:

1. The husband, Mark Bellissimo, filed for divorce on December 26, 2018.
2. This is a marriage of over 30 years. The parties have four grown children.
3. The parties are well known in Palm Beach County, and across the globe, for making Wellington, Florida the premier, worldwide destination for equestrian activities. It is a massive project encompassing 500 acres between the horse showgrounds, the equestrian village, the polo club, the Wanderers Club and golf course, residential properties, commercial properties, and undeveloped land. The parties have plans to build the area's only luxury hotel and transform the undeveloped land into housing and other valuable projects. The business has hundreds of employees, its own proprietary computer systems, an affiliated subscription publication, patents and trademarks, and all the other trappings of a first-rate operation. The parties worked together for decades to make this dream come true.
4. The parties are in the process of replicating their successes in Wellington at a

second equestrian destination in Tryon, North Carolina. They also have a largescale development project in Colorado.

5. The parties are the owners of several other businesses, most of which are related in one way or another to the equestrian industry. The parties' interests in these businesses are worth millions and millions of dollars, and, from the businesses, the husband draws a salary of more than \$1 million annually, as well as other income.

6. The parties also own multiple real properties in Wellington, either directly or indirectly, and own additional homes in South Carolina and New Hampshire. The real estate is worth tens of millions of dollars.

7. There are other assets too numerous to name that the parties own. The bottom line is that every single asset is marital. However, all of the business assets—and all of the income—are under the husband's exclusive control.

8. The business assets are held directly or through entities, such as limited liability companies, partnerships, or corporations. The ownership structure is complicated, to say the least. The husband is the one who knows how all the companies and assets interrelate. He can move money or other assets around and shift and reduce value and engage in transactions without the wife even knowing about his actions.

9. The wife has reason to believe the husband is doing just that. For example, based on a public records search and information the wife or her lawyers have been able to discern, the husband is restructuring the business entities in a way that appears designed to hurt or minimize the marital estate. He is also attempting to sell a piece of land—that is marital—which is worth about \$3 million, and their interest in a "startup company" that is worth about \$750,000. The wife is concerned the husband intends to take all the proceeds and utilize them for his sole

benefit. The wife is also concerned that the husband has or is contemplating using marital assets as collateral to take out additional debt to fund a business project, which project he will ostensibly claim is his non-marital property given the timing of the funding.

10. Section 61.11 affords the Court with the authority to impose a temporary injunction and other equitable relief to stop a party from dissipating assets that are necessary to secure either support or equitable distribution. To afford relief, the Court simply needs to find that the husband is dissipating assets that are, or “may” be, marital property subject to division. *Lerner v. Dum*, 220 So. 3d 1202, 1203 (Fla. 4th DCA 2017).

11. The Court should order the husband not to liquidate, transfer, alienate, encumber, and/or deplete any assets or the value of any assets without the written agreement of the wife or order of this Court. The wife is knowledgeable about many aspects about the family business, and she will work with her professionals to promptly agree or not agree with any transactions proposed by the husband, but he should not be allowed to act unilaterally. Every single asset at issue in this case is a marital asset subject to an asset injunction. This injunction applies to all assets, no matter how titled, whether in the husband’s name or the wife’s name, individually, as an LLC, corporation, partnership, or otherwise.

12. Among other things, the husband should not be allowed to sell marital land, take out loans against marital property, or place business funds into his personal account. See *Gooding v. Gooding*, 602 So. 2d 615, 615 (Fla. 4th DCA 1992) (“Thomas E. Gooding Demolition Corporation [is] the family business and the parties’ only major asset.... In the instant case, appellant [was] irreparably harmed by appellee’s ... transfers of their company’s funds to his own personal account [where appellant does not know] what happened to that money.”).

13. Under Florida Rule of Civil of Procedure 1.610(c), such an injunction is not only binding on the parties but also on their agents or attorneys who are acting in concert with a party so long as they receive notice of the injunction. Therefore, any person that takes any action inconsistent with the injunction or that assists the husband to violate the injunction in any way may be culpable. Likewise, any person who engages in such conduct even before the injunction is issued but with knowledge of this motion has potential liability.

14. This motion will be further "briefed" and/or amended prior to a hearing on the matter, because the motion is being prepared on an expedited basis.

WHEREFORE, for all the foregoing reasons, the wife respectfully requests the Court to grant the relief requested herein and such other relief as the Court deems appropriate.

WE HEREBY CERTIFY that a copy of the foregoing was electronically filed with the Florida Courts E-Filing Portal on this 28th day of December, 2018, which will send a notice of electronic filing to: tomsasser@sasserlaw.com and tjsservice@sasserlaw.com, Thomas J. Sasser, Esq., Sasser, Cestero & Sasser, P.A., Post Office Box 2907, West Palm Beach, Florida 33401-2907.

Respectfully submitted,

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